284, to belong to a passenger after the carrier has for a long time acquiesced and made provision for the carriage of such packages, until due notice of the rescission of the permission.

STATUTE OF FRAUDS—PART PERFORMANCE.—The performance of services of a peculiar character, the value of which cannot be estimated by a pecuniary standard, under a parol contract for the purchase of real estate, is held, in *Svanburg* v. *Fosseen* (Minn.), 43 L. R. A. 427, sufficient to take the contract out of the statute of frauds—especially when it is impossible to restore the purchaser to his original situation.

BANKRUPTCY—CONTINGENT LIABILITY.—Contingent debts or contingent liabilities under the bankruptcy act of 1867 are held, in *Wight* v. *Gottschalk* (Tenn.), 43 L. R. A. 189, not to include a liability on a covenant of warranty so long as there was no hostile assertion of paramount title, and therefore this was not cut off by a discharge in bankruptcy rendered before the breach of the covenant had ripened into an actual demand.

NEGLIGENCE—MENTAL EXHAUSTION.—A peculiar case respecting the liability of a person for negligence while insane or mentally incompetent is that of *Williams* v. *Hays* (N. Y.), 43 L. R. A. 253, holding that the charterer of a vessel, who is in command, is not liable for her loss because of a lack of care or skill in her navigation after he has become irresponsible on account of physical and mental exhaustion resulting from his being continuously on duty in efforts to save the vessel during a storm.

MASTER AND SERVANT—RULES.—The legal duty of an employer with respect to rules for the safety of employees is held, in *Nolan* v. *New York*, N. H. & H. R. Co. (Conn.), 43 L. R. A. 305, not to be violated by the failure of a railroad company operating a single-track road to provide in its rules for giving those in charge of trains telegraphic information of the relative position of other trains going in the same direction.

The same doctrine is held in *Little Rock & M. R. Co.* v. *Barrie* (C. C. App. 8th C.), 43 L. R. A. 349. With these cases there is a note which reviews at great length the decisions respecting the duties of master and servant with regard to rules for the safety of employees.

ENJOINING PUBLIC NUISANCE—BAWDY HOUSES.—In *Blagen* v. *Smith* (Or.), 56 Pac. 292, it is held that a court of equity has jurisdiction to enjoin the maintenance of a bawdy house, in close proximity to the plantiff's property, whereby the enjoyment of the property and its value are seriously affected. And the fact that the maintenance of such a house is a public nuisance, punishable by indictment, will not prevent a court of equity from enjoining its continuance at the suit of a private person, where the latter suffers special and peculiar damage therefrom.

Similar relief was granted in *Hamilton* v. *Whitbridge*, 11 Md. 128, and in *Cranford* v. *Tyrrell*, 128 N. Y. 341, 28 N. E. 514. See *Morsan* v. *French*, 61 Tex. 173 (48 Am. Rep. 272 and note).